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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/658,582	09/09/2003	Markus Durre	01-0035	3411

29293 7590 07/19/2004

FREUDENBERG-NOK GENERAL PARTNERSHIP  
INTELLECTUAL PROPERTY DEPT.  
47690 EAST ANCHOR COURT  
PLYMOUTH, MI 48170-2455

EXAMINER
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WILLIAMS, THOMAS J

ART UNIT	PAPER NUMBER
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3683

DATE MAILED: 07/19/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/658,582

Applicant(s)

DURRE, MARKUS

Examiner

Thomas J. Williams

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 September 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

### DETAILED ACTION

1. Acknowledgment is made in the receipt of the oath filed March 26, 2004.

#### *Drawings*

2. Figures 4-7 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawing sheets are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

#### *Claim Rejections - 35 USC § 102*

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-4, 6 and 10 are rejected under 35 U.S.C. 102(b) as being anticipated by US 4,619,349 to Braun.

Re-claims 1 and 10, Braun discloses a vibration damper mounting assembly, for interconnecting a longitudinally extending member with a second member, comprising: a central stud 3 attached to the longitudinally extending member 11; an open hollow bracket, elements 6 and 9; a pair of elastomeric beam side structures 7 that experience tension and compression in response to vibrations transmitted along the first member.

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Re-claims 2-4 and 6, the second member is a vehicle; the plurality of beam structures extend longitudinally along the stud member; the beam structures extend in generally parallel generally lateral and longitudinal directions.

5. Claims 1-3, 5 and 10 are rejected under 35 U.S.C. 102(b) as being anticipated by US 4,700,817 to Kondo et al.

Re-claims 1 and 10, Braun discloses a vibration damper mounting assembly, for interconnecting a longitudinally extending member with a second member, comprising: a central stud 3 attached to the longitudinally extending member 4; an open hollow bracket 1; a pair of elastomeric beam side structures 6 that experience tension and compression in response to vibrations transmitted along the first member.

Re-claims 2, 3 and 5, the second member is a vehicle; the beam structures extend generally longitudinally along a portion of the stud member; the beam structures extend in opposite generally lateral and longitudinal directions.

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 2,797,931 to Hans in view of EP 972 966 to Eckel et al.

Re-claims 1 and 10, Hans teaches in figures 3-5 a vibration mounting assembly for interconnecting a longitudinally extending first member 12 with a second member 4, the

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mounting assembly comprising: a central stud 13a attached to the longitudinally extending member 12; an open hollow bracket 9 that surrounds the stud; and elastic members, such as coils or elastic rubber, interconnecting the stud with the bracket. During movement of element 12 one set of elastic members will be in compression while the other set of elastic member will be in tension. However, Hans fails to the elastic supports as being configured as elastomeric beam structures.

Eckel et al. each teach a damping device, wherein the dynamic damper or longitudinally extending member is supported by elastomeric beam structures, such as 14 and 4 respectively. It would have been obvious to one of ordinary skill in the art to have supported the longitudinally extending member in the vibration mounting assembly of Hans with elastomeric beam structures as taught by either Kohlmeier et al. or Eckel et al., thus reducing weight and costs of the vibration mounting assembly.

Re-claim 2, the second member is a vehicle.

Re-claims 3-8, the beams taught by Eckel et al. would have extended along the stud in both opposite generally lateral and longitudinal directions (when viewing the top beams), and generally parallel lateral and longitudinal directions (when viewing diagonally opposite beams). The beams are rubber and can be made of a synthetic as is common in the art. Synthetics will provide a longer lifespan.

Re-claim 9, Hans teaches a pair of vibration mounting assemblies used to support element 12.

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*Conclusion*

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Kohlmeier et al. and Bansemir et al. each teach a mass damper support structure.
9. Any inquiries concerning this communication or earlier communications from the examiner should be directed to Thomas Williams whose telephone number is (703) 305-1346. The examiner can normally be reached on Monday-Thursday from 6:30 AM to 4:00 PM. The examiner can also be reached on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jack Lavinder, can be reached at (703) 308-3421. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

TJW

July 14, 2004

THOMAS WILLIAMS  
PATENT EXAMINER

Thomas Williams  
AU 3683  
7-15-04